state, or act as referee. The legislature may impose a similar prohibition upon county judges and surrogates in other counties. . . .' The distinction pointed out in the foregoing paragraphs between regular judges and commissioners and considered by the court in *Settle* v. *Van Evrea,* supra, would likewise apply to the proposed commissioners of the Court of General Sessions, and they would not be prohibited from practicing law. The court in *Settle* v. *Van Evrea,* supra, expressly laid down the rule that the prohibition contained in section 20 may not be enlarged by conjecture or implication.

In view of these conclusions, there should be no doubt that the proposed bill is constitutional and may be enacted by the legislature with every assurance of immunity from constitutional attack.

In any event, however, if the plan is one which, because of the urgent need for the permanent relief which it offers, its economy and elasticity of operation, as well as its efficiency and effectiveness in results, recommends itself to your Excellency, it would seem advisable to pass the proposed bill. The question of its constitutionality can, when once it is enacted, be settled speedily and definitely by a test case consisting of a minor offense taken up for that purpose to the Court of Appeals. That is the only means of conclusively determining the constitutionality of any measure.

The writer feels, however, that there is no just ground for apprehension that such determination will do other than to confirm the conclusions herein expressed.

Respectfully submitted,
MOSES H. GROSSMAN."

Memorial to the Illinois Constitutional Convention by the Municipal Court of Chicago.—The judges of the Municipal Court of Chicago respectfully submit the following views concerning the judiciary article so far as it affects the trial courts of Cook County:

The proposed judiciary article creates two courts for Cook County, merging in them six courts now serving the City of Chicago and various others existing outside the city. It merges the Circuit, Superior, Probate and County Courts into a single court of forty-three judges, to be known as the Circuit Court of Cook County, which is to have jurisdiction only in civil cases involving more than $2,000. This is the cream of the judicial business. Inasmuch as less than ten per cent of the people of the community ever have cases involving more than $2,000 this proposed court would be one essentially to serve large business interests.

The plan not only relieves this bench from trying criminal cases, but also from work in the Appellate Court, which results in an increase of twenty-five per cent in the judicial force.

All the remaining trial jurisdiction is vested in a District Court for Cook County and the present judges of the Municipal Court of Chicago are made judges of the District Court. The work assigned to the proposed District Court includes all the civil cases of more than ninety per cent of all the people, and also all the criminal and quasi-criminal cases involving law enforcement and public safety in every conceivable way. It involves the lives of thousands of young men and women every year. It involves the safety of every citizen and all property, and the proper conduct of all public officers.

The proposed plan relegates all these immeasurably important public duties and functions to an admittedly inferior court. It adds vastly to the work and responsibility of a staff of judges already overworked by giving them the trial of all felony cases now in the Criminal Court of Cook County and also gives them a large but unknown volume of business outside the City of Chicago.

The proposed plan is unwise, impracticable, contrary to the best experience in the administration of justice and unjust to the great majority of the people of Cook County. In large cities there is no reason and no present excuse for inferior courts. They are relics of pioneer conditions. The only progress which has been made in three-fourths of a century in judicial administration throughout the country has been by wiping out inferior courts and creating properly organized unified courts.

There is one clear ideal for the efficient administration of justice in metropolitan districts and that is to establish only a single trial court in which responsibility for the due administration of justice in every respects rests equally upon the shoulders of all the judges.

This is accomplished by creating departments for the several principle judicial functions. Such a single court of Cook County would presumably have such departments as these:

Chancery department.
Civil Jury department.
Civil Non-Jury department.
Criminal department.
Probate, Domestic Relations and Juvenile department.

Within each department there would necessarily result a responsibility resting on all the judges of the department, both the experienced and the inexperienced, for the proper administration of the work of the department within its entire field. Within each department there would be such specialization in single branches as would appear convenient and economical.

This is the simple structure of the modern, efficient large city court. It affords room for the utilization of the best talent and experience of every judge and makes the ablest and most experienced in a measure responsible for the efficiency of all.

The plan which we object to suits the interests of the small class of litigants, surely less than ten per cent of the population, who have large property interests. It suits the interests of the judges reserved for this dignified and agreeable sort of judicial work. It saves them from the odious but more vital work of the criminal and social branches.

But for the remaining interests the proposed plan of two courts means a much worse situation than has prevailed for the last fifteen years in the City of Chicago.

What are these remaining interests? In brief they are the interests of three million people in having a high degree of efficiency in all criminal branches and in having respected and capable judges to try all their smaller civil cases.

From the public standpoint, from the standpoint of government and public service, the interests consigned to an inferior and overburdened bench are

inestimably more important than the trial of causes involving only the large property interests.

Any court which is given the disagreeable and nerve-wracking work of administering criminal justice and inferior civil jurisdiction is inevitably an inferior court—inferior in public and professional opinion and sure to become inferior in personnel and accomplishment. The kind of lawyers which is needed for judicial service will not aspire to places in such a court under any form of judicial selection. Such a court is indefensible in the light of modern experience.

There are no really inferior judicial functions. Nothing can be so vitally important as the enforcement of law in criminal and social branches. "When we clear our eyes from the mists of traditions, will not the fact become clear that all our courts are potentially of equal importance to the state, and that, at least in centers of congested population, all of our courts should be placed upon a footing of equal dignity and of equal exigency?"

Every man, however humble his walk of life, and however small his property concerns, is entitled to the services of the best judge the community can afford him. Improvement in administering justice lies in providing the best judges in courts of the first instance. No subsequent course of appeals to higher and more expert tribunals can make up for defects in the court of first instance.

The cases involving less than $2,000 are far more numerous than all other civil cases. A court having such heavy dockets must, if justice is to be real in the community, work with expedition. To dispatch such a vast amount of business promptly and *accurately* a very high type of judge is needed, as was said by President Taft in a public address in Chicago. It is emphatically not a kind of judicial work to be relegated to an inferior tribunal. Besides there is practically a finality of judgment in this class of cases. Few are ever appealed. The cost is prohibitive.

The Committee on Judiciary Article has recognized the need for having fewer courts and have provided two in place of more than six now existing. Genuine improvement cannot stop with partial unification. There is no part of judicial administration which can with any reason or justice be consigned to an inferior tribunal or inferior judiciary.

In the single, unified court which is the only real ideal in this great field of government the entire judicial power would be at all times available for the work most requiring attention. In the various departments and branches there would be room for the special experience and skill of every individual judge.

All the benefits of unified criminal jurisdiction would be available without consigning any judge to years of work exclusively in this exhausting field.

While the less dignified and more onerous portions of the work would fall to the less experienced judges the entire department in which they worked would be held responsible for the character of services rendered. As judges acquired experience and special expertness they would be given assignments commensurate with their ability.

This is the only right solution of the greatest problem confronting the Constitutional Convention in its entire work. Any horizontal division of jurisdictions, resulting, as it inevitably must in creating an inferior tribunal, is cer-

tain to continue the caste system which exalts one court at the expense of the other.

The Constitutional Convention has no more solemn responsibility than that of shaping a judicial system for Cook County which will be strong enough to cope with the great difficulties and evils conspicuous in the present system, and sensitive withal to the judicial needs of the great mass of people to whom justice in a comparatively little controversy is all the justice they can ever ask of their courts.

The way to do this is obvious. The interests and ambitions of no group of judges should be permitted to stand in the way. Courts should not exist for judges, but for rendering the highest possible service to the community and to the weakest and humblest persons in the community.

THE MUNICIPAL COURT OF CHICAGO,
HARRY OLSON, Chief Justice.

PARDONS AND PAROLES

Report of the Illinois Superintendent of Pardons and Paroles.— . . . "Robbery with a weapon furnishes the crime problem of the present day. As recently as six years ago little attention was paid to the crime of robbery with a weapon. Since 1914 the crime of robbery with a weapon has increased by leaps and bounds. Six or seven years ago robbery was punished by from one to two years' incarceration. Until 1919 punishment for robbery with a weapon ranged from one year to life. In 1918 the average for robbery with a weapon in cases that were heard by the Division of Pardons and Paroles was fixed at approximately eight years. In 1919 the Legislature enacted a new law providing a sentence of from ten years to life for robbery with a weapon.

"The increased punishment for the crime of robbery with a weapon *has not served as a deterrent.* Since the new law became operative, on July 1, 1919, hundreds of boys under twenty-one years of age have been received at Pontiac, either upon conviction or pleas of guilty, with sentence ranging from ten years to life. In their cases, at least, the reformatory feature of that institution is lost. Likewise hundreds of men have been received at the Joliet penitentiary also with sentences of from ten years to life. The number similarly sentenced from the downstate counties to Chester is much smaller. Chicago is the great sufferer from this class of crime.

"Yegg burglary, which occupied the attention of the people as a major crime problem for twenty years prior to 1915 has now become a lost art. Robbery while armed has taken its place. A yegg burglar was a peculiar individual who studied safe blowing from every angle. When working he lived beside a camp fire, usually along a railroad track, removed every mark of identification from his clothing, buried his tools in the ground and cooked "the soup" back in the woods. The yegg burglar worked at night and only came in contact with a police officer or night watchman.

"In his place has come the youthful bandit with a large revolver, who works in the daytime and depends upon the firing of shots, the crashing of glass and an automobile to furnish a ready and quick means of escape.

"Neither parole laws nor their administration will solve new crime problems. Attacks upon parole laws will not better conditions. The problem must be met and solved in a more intelligent manner. History reveals vast crime waves have